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Hawaiian Gazette.

TUESDAY, AUGUST 17, 1886.

HAWAIIAN LEGISLATURE.

SESSION OF 1886.

SEVENTY-FIRST DAY.

Monday, August 9th. The Assembly convened at 10 a.m., pursuant to adjournment from the 26th ult. and the roll call was answered by the following members: The Ministers (4), Hon's Walker, Cleghorn and Bush; Reps. Keau, Baker, Kauhi, Amara, Brown, Kaulia, Kaunamano, Whight, Nahale, Nahinu, Kekoa, Kalua, Aholo, Kaukau, Castle, Kaai, Dickey, Paehaole, Kauai and Palohau.

The minutes of the previous meeting were read by the Secretary and interpreted and approved. The following petitions were then presented:

By Representative Castle, from residents of Honolulu, two petitions against the en actment of laws to permit the importation or sale of opium. To Sanitary Committee. Also, from the residents of Wailuku, praying that the pay of the mail carrier from Makena to Ulapalakua, Maui, be increased to \$2 a week. To Special Committee hav-

ing charge of postal matters. By Representative Palohau, from the residents of the district of Lihue, that, the salary of the Government physician at Lihue be increased. To Sanitary Committee. Also from one named Kaiu that the sum of \$100, for road damages be paid to him. To Committee on Public Lands.

Representative Brown presented, and under suspension of the rule read, the following: "To the Hon. J. S. Walker, President

bles and Representatives in the Legislature of the Kingdom assembled: "The petition of William Flowerdew, a citizen of Great Britain, respectfully represents, that heretofore, to wit, on the 30th day of June, 1883, while residing at these Islands, he obtained from the Minister of the Interior, John E. Bush, permission under grant of that date to lay down tramways and run ears upon such streets, in the city of Honolulu and its suburbs, as he might select; that under the authority of such grant or franchise, and acting in

good faith, and thinking that such grant was of force and effect in law, he proceedto San Francisco, in the United States of America, and purchased materials and cars and engaged the services of a competent engineer to superintend the laying down the tramway, and returned with such materials and said engineer to Honolulu, and ready to engage in and carry on the work contemplated under such grant, and notified the then Minister of the Interior, Chas. T. Gulick, that he was ready and willing and was about to proceed to work on the laying of the said tramways ; that on the 4th day of August he received a communication from the said Gulick as such Minister of the Interior, that the grant, before being acted upon or work commenced thereunder, should be submitted to the Privy Council of State; that on the 16th day of August your petitioner replied to the said Minister of the Interior that he had no objection to the mat-ter being laid before the Privy Council, that thereafter he caused an agreement to be drawn and submitted to the Minister of the Interior for signature, setting forth fully what work was to be done and what streets would be operated with tramways, in which agreement was also set forth, the rates of fares to be charged for passengers which agreement was not executed by said Minister of the Interior; that thereafter for the information of the Assembly and and in said month of August your petitioner caused work to be commenced to lay tramways; and on the 27th day of said August your petitioner was restrained by injunction issued out of the Supreme Court of the Kingdom in a suit brought by said Minister of the Interior; and that on the 10th day of September said injunction was made perpetual and your petitioner forever restrained from proceeding with the work contemplated to be done under and by virtue of said grant or franchise. That in consequence thereof your petitioner has suffered great loss and damage in the premises, caused by the purchase of materials, the loss of time and other expenses caused and borne by him under the terms of said grant or

franchise, amounting in the aggregate to more than \$5,000. "Wherefore he prays that the sum of \$5,000 be appropriated by this honorable body, and that the same be paid him as a full compensation for all loss and damages sustained by him in the premises.

"And your petition will ever pray, etc. "Dated Honolulu, August 9th, 1886. "WM. FLOWERDEW.

"By his Attorney in fact, "ALEX. J. CARTWRIGHT." The introducer moved that the petition be referred to the committee on Public Lands etc. Representative Keau moved that the further consideration be indefinitely postponed. The motion to refer was

carried without discussion. Representative Dole from residents of Lihue, Kauzi, presented a petition that the sum of \$300, be appropriated for the purpose of improving a road at Nawiliwili. Tabled for consideration with the Appropriation Bill.
Representative Kaai presented a peti-

tion from residents of Hana that a law be enacted providing for the shipping of taro flour to other countries. To committee on Commerce. Representative Kaunamanao presented a petition from one A. W. Haalilio, Hamakoa, Hawaii, praying that \$132.38, be paid him balance of commissions due as

Tax Assessor for 1885. To Finance com-

Kaanaana and Kamoi-praying that they be paid for services in issuing a number

of warrants by order of Geo. H. Luce,
Tax Collector. To Judiciary committee,
Rep. Castle from a special committee,
reported back a bill "To amend chapter 11, Session laws of 1880, relative to judicial, taxation and educational districts," because as finally engrossed it is unintelligible and not as passed by the Assembly. Report received and tabled

Rep. Brown propounded the following questions: "I hereby request that His Excellency the Minister of Foreign Affairs inform this House what pay the Consul General at San Francisco receives. If he receives no pay from this Government, from where does he receive compensation for his services? If from the fees of the office, what proportion thereof, and if any balance remains for the benefit of the Government, where does the credit appear? How much, if any sum of money, is now due the Government? Has the Government received any realization as

yet? If so, how much?" Rep. Brown also presented the following questions: "I hereby request that his Excellency the Minister of the Interior inform this House how many free water privileges are granted, with the names of the parties using the water free of

The Minister of Finance presented a written reply in answer to questions by Rep. Thurston, relating to the pay, etc., of Tax Assessors, and on motion the statement was accepted and ordered printed. Rep. Dole offered the following resolu-

tion: "Whereas, The Hon. John L. Kaulu-kou, member for Hilo, has been commission by His Majesty the King as Marshal of the Kingdom, and is now acting under said commission as Marshal as aforesaid, be it

Legislative Assembly, 1886, and to the No-"Resolved, That the seat of the said Hon. John L. Kaulukou is hereby declared vacant, and a new election be or-

dered to fill such vacancy." Representative Dole in support of his resolution said that, it appeared to him that the combining of the office of Marshal of the Kingdom, an executive office with that of a member of the Legislative Assembly was in-consistent with article 20 of the Constitution, which says that "That Supreme Power of the Kingdom, in its exercise, is divided into the Executive, Legislative and Judicial. These shall always be preserved distinct, and no Judge of a Court of Record shall ever be a member of the Legislative Assembly." He

moved reference to a special committee. After several motions had been made it was finally decided to consider the subject matter of the resolution in committee the Whole on the following day.

Representative Kekoa offered a resolution that the Minister of the Interior report within three days the number, names nationality and state of health of the fallen women of Honolulu; also the amount paid for medical attendance for them during the past two years. Indefinitely postponed.

Hon. J. E. Bush gave notice of inten-tion to introduce a bill to provide for a permanent settlement on the widow of J. E. Barnard late clerk of the Supreme Representative Dole presented the fol lowing question to the Minister of

Finance: "Has any loan been negotiated since the Ministers presented their state ments of indebtedness? If, so, state the amount borrowed." Representative Dickey offered a resolu-tion that the Supreme Court be requsted to construe Article 20 of the Constitution

to give their opinion whether the Marshal can sit in the House as a member. Representative Kaulukou (the Marshal) said it would not be possible to get the opinion of the Supreme Court, as one Justice was away. If any opinion was required it should come from the full bench. This Assembly is not bound to the contruction of law by the Supreme Court. It makes very little difference what the Judges say. If they say he is not entitled to his seat in the House he would take no notice of it he would not leave. But if the House said so, why then he would

submit. The resolution was indefinitely post-

poned. Representative Amara offered a resolution that the sum of \$2,000 be appropriated for the purpose of providing for the education of the children of the late Rev. A. Clark, a Government school teacher, who had died in impecunious circum

stances. To committee on Education. The Order of the Day was now moved and carried, but before action was taken in regard to the consideration a motion to adjourn was made, which, being carried, the Assembly thereupon took a recess until 1.30 p.m.

The Assembly reconvened at 1.30 p.m. and before resolving into committee of the Whole, the Minister of Foreign Affairs made answer to a question, previously propounded by Representative Dole, saying that no sums of money had been bor rowed by Government since the last state ment of indebtedness.

The Assembly now resolved into committee of the Whole Hon. A. S. Cleghorn in the chair and proceeded to consider items in the Appropriation Bill, the following being passed as printed:

Bellef and return of indigent Hawaiians. \$1,000 National Museum. 3,000 National Library. 3,000 The next item "King's Guard, \$87,000" caused considerable discussion and finally

consideration was deferred. The item "Guards to Government buildings and jails \$10,000" was passed over for the present, to be taken up with items in Representative Thurston presented a the Interior Department, and the succeed-petition from two special police officers ing two items: "Bands, Flags and Sa-